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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,681	12/18/2001	Li Li	21402-224AC (CURA-524AC)	3701

7590 07/17/2003

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EXAMINER

ALLEN, MARIANNE P

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 07/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

10/023,681

Applicant(s)

LI ET AL.

Examiner

Marianne P. Allen

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Claims 1-52 are pending in the application.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, 38, and 41, drawn to polypeptides, classified in at least for example Class 530, subclass 350.
- II. Claims 5-14, 39, and 42, drawn to polynucleotides, classified in at least for example, Class 536, subclass 23.1.
- III. Claims 15-17, 40, and 43, drawn to antibodies, classified in at least for example Class 530, subclass 387.1.
- IV. Claim 18, drawn to a method of determining the presence or amount of a polypeptide, classified in at least for example, Class 435, subclass 7.1.
- V. Claims 19-21, drawn to a method of determining the presence of a polynucleotide, classified in at least for example Class 435, subclass 6.
- VI. Claims 22-23 and 50, drawn to a method of identifying an agent that binds to a polypeptide, classified in at least for example, Class 435, subclass 7.1.
- VII. Claims 24 and 51-52, drawn to a method for identifying an agent that modulates expression or activity, classified in at least for example, Class 435, subclass 4.
- VIII. Claim 25, drawn to a method for modulating activity of a cell, classified in at least for example, Class 435, subclass 325.
- IX. Claims 26-29 and 48, drawn to a method of treating or preventing a disorder by administering a polypeptide, classified in Class 514, subclass 12.
- X. Claims 30-33, drawn to a method of treating or preventing a disorder by administering a polynucleotide, classified in Class 514, subclass 44.
- XI. Claims 34-37 and 49, drawn to a method of treating or preventing a disorder by administering an antibody, classified in Class 424, subclass 130.1.
- XII. Claims 44-45, drawn to a method of determining the presence or predisposition to a disease, classified in Class 435, subclass 7.1.
- XIII. Claims 46-47, drawn to a method of determining the presence of predisposition to a disease, classified in Class 435, subclass 6.

Art Unit: 1631

Sequence Election Requirement Applicable to All Groups

In addition, each Group detailed above reads on patentably distinct SEQ ID Numbers. Each sequence is patentably distinct because the sequences are structurally unrelated sequences, and a further restriction is applied to each Group. Applicant must further elect a single SEQ ID NO. (See MPEP 803.04). Given the present search burden in the Office, a single sequence is considered a reasonable number to search.

Applicant is advised that examination will be restricted to only the elected SEQ ID NO. and should not to be construed as a species election.

The inventions are distinct, each from the other for the following reasons.

The products of groups I-III can be shown to be distinct, each from the other, because they are physically and functionally distinct chemical entities. The methods of groups IV-XIII can be shown to be distinct, each from the other, as they have different starting materials, method steps, and/or goals. The methods of groups IV-XIII can be shown to be distinct from the products of groups I-III, as each of these products is either not used in the methods of groups IV-XIII, can be used in multiple methods of groups IV-XIII, or has uses unrelated to these methods. Each group would require a non-coextensive literature search.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the necessity for non-coextensive literature and sequence searches, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne P. Allen whose telephone number is 703-308-0666. The examiner can normally be reached on Monday-Friday, 7:00 am - 1:00 pm.

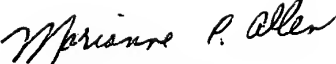
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 703-308-4028. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Application/Control Number: 10/023,681

Page 4

Art Unit: 1631


Marianne P. Allen
Primary Examiner
Art Unit 1631

mpa

July 16, 2003